

ORIGINAL

10982

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

**3-07CV0767-N**

NATIONAL CHILD SUPPORT

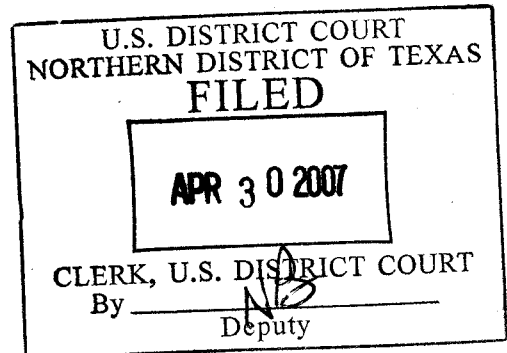
V.

THE SOCIAL SECURITY ADMINISTRATION

TO THE HONORABLE JUDGE OF SAID COURT:

§  
§  
§  
§  
§

CASE NO.



COMPLAINT

Now comes National Child Support (hereinafter called "Plaintiff") complaining of the Social Security Administration, a U.S. governmental agency (hereinafter called "Defendant") and for cause of action would respectfully show the Court the following:

1. This action is against the Social Security Administration, a U.S. governmental agency. This is a suit on a State Court order for withholding from the Social Security Administration for child support. The U.S. has consented to such proceeding for the enforcement of child support pursuant to 42 USCA, Sec. 659.

2. On January 6, 2006, the 330<sup>th</sup> District Court of Dallas County, Texas in Cause No. 80-17108-Y ordered the Social Security Administration to withhold from Roger Dale Bingham's month Social Security the sum of \$447.50 per month. The payments are to be made payable to the National Child Support and paid through the Dallas County Child Support Department. A copy of the Order is attached as Exhibit A.

3. Defendant was served with the Withholding Order on or about January, 2006. No payments have been made. The amount owed through April, 2007 is \$7,160.00.

WHEREFORE PREMISES CONSIDERED, Plaintiff demands judgment against Defendant for the sum of \$7,160.00 and continuing to accrue at \$447.50 per month, prejudgment interest, and costs.

Respectfully submitted,

GOLDBERG & ALEXANDER, P.C.

BY: 

REX HENGER/SBN 09461300 ✓  
800 W. ELDORADO PKWY.  
SUITE 112  
LITTLE ELM, TEXAS 75068  
(214) 373-4494/FAX# (214) 373-4493  
ATTORNEY FOR PETITIONER

NO. 80-17108-Y

IN THE MATTER OF  
THE MARRIAGE OF:

OPAL JANE BINGHAM and  
ROGER DALE BINGHAM

AND IN THE INTEREST OF:

ROBERT LEE BINGHAM  
Minor Child

000241

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

330<sup>TH</sup> JUDICIAL DISTRICT

ORDER FOR WITHHOLDING FROM SOCIAL SECURITY  
ADMINISTRATION FOR CHILD SUPPORT

The Court ORDERS, the Social Security Administration, Bldg. 2, 1<sup>st</sup> Floor, 10600, Steppington Drive, Dallas, Texas 75230, to withhold from the Obligor's monthly social security as follows:

OBLIGOR

Roger Dale Bingham  
SSN: 398-54-3665

OBLIGEE

Opal Jane Scott

Withholding for Child Support:

The Court ORDERS that the Social Security Administration shall begin withholding from Obligor's monthly social security payment no later than the first pay period which occurs 14 days following the date this Order is served on the Social Security Administration.

The amount to be withheld is: \$ 447.50 per month.

Maximum Amount Withheld:

The maximum amount to be withheld shall not exceed fifty percent (50%).

Exhibit A

Case 3:07-cv-00707-N Document 1 Filed 07/03/07 Page 1 of 2 PageID 1

TXEDC 01/23/2006 11:03:46-00000015

Method of Payment:

The Court ORDERS the Social Security Administration to pay all amounts withheld through:

Dallas County Child Support Department  
George L. Allen, Sr., Courts Building  
600 Commerce Street  
Dallas, Texas 75202  
Account No. 204601

All payments shall be made payable to: National Child Support

All payments shall identify the Obligor, Obligatee, the Agency Account Number, and the amount of an administrative fee withheld, if any.

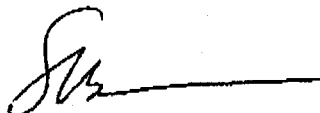
More Than One Order Withholding:

If the employer is served with an Order Withholding from Earnings for Child Support relating to this Obligor in another case, the Court ORDERS the employer to withhold equal amounts on all orders until each Order is fully complied with, or until the maximum amount to be withheld from the Obligor's disposable earnings is reached, whichever occurs first.

Termination of Order:

This Order shall terminate when the child support and interest in the amount of \$120,834.00 is paid.

SIGNED 1-06-, 2005.

  
\_\_\_\_\_  
JUDGE PRESIDING

Judge of the 301st  
District Court, sitting for  
Judge of the 330 District Court

JS 44 (Rev. 10/06)

## CIVIL COVER SHEET

The JS 44 Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b>  NATIONAL CHILD SUPPORT  <b>(b)</b> County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number) REX HENGER, 800 W. ELDORADO PKWY. LITTLE ELM, TEXAS 214-373-4494	<b>DEFENDANTS</b>  THE SOCIAL SECURITY ADMINISTRATION  County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  Attorneys (If Known)
---	--

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)  <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%;">PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 33%;">PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6										

IV. NATURE OF SUIT (Place an "X" in One Box Only)			
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

<b>V. ORIGIN</b> (Place an "X" in One Box Only) <input checked="" type="checkbox"/> Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
---

<b>VI. CAUSE OF ACTION</b> Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Brief description of cause: State child support withholding order against Social Security Administration
--

<b>VII. REQUESTED IN COMPLAINT:</b> <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--

<b>VIII. RELATED CASE(S) PENDING OR CLOSED</b> (See instructions): JUDGE _____	DOCKET NUMBER _____
--	---------------------

DATE 1-30-07	SIGNATURE OF ATTORNEY OF RECORD Rex Henger
--------------	---

FOR OFFICE USE ONLY	RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
---------------------	-----------------	--------------	--------------------	-------------	------------------